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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA, SOUTHERN DIVISION**
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17 FEDERAL TRADE COMMISSION, ,
18 Plaintiff,
19 v.
20 REVMOUNTAIN, LLC, a Nevada
limited liability company, et al.
21 Defendants.
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Case No. 17-CV-02000-APG-GWF
RESPONSE OF JOSHUA TEEPLE,
PERMANENT RECEIVER, TO
DEFENDANT REVGUARD, LLC'S,
DEFENDANT REV LIVE! LLC'S
AND DEFENDANT ROADRUNNER
BC2, LLC'S COMBINED MOTION
TO DISMISS

23 The Hon. Andrew P. Gordon

24 Joshua Teeple, Permanent Receiver ("Receiver"), herewith submits his
25 response to the Motion to Dismiss ("Motion") filed by Defendants RevGuard, LLC,
26 RevLive!, LLC, and Roadrunner B2C, LLC ("RevEntities"), and states as follows:

27 1. Joshua Teeple is the duly appointed, qualified and acting Permanent
28 Receiver pursuant to this Court's September 1, 2017 Preliminary Injunction with

1 Asset Freeze, Appointment of Receiver, and Other Equitable Relief as to
2 Defendants Blair McNea, Jennifer Johnson, and Entity Defendants (“Order”).

3 2. On September 8, 2017, the RevEntities filed the Motion.

4 3. Prior to the Receiver’s appointment, one or more of the RevEntities
5 conducted some of their business operations at 6260 Lookout Road, Boulder,
6 Colorado (“Boulder Premises”).

7 4. Following his appointment the Receiver assumed possession and
8 control of the Boulder Premises, and remains in possession and control of the
9 Boulder Premises.

10 5. The Receiver discovered that RevGuard, LLC (“RevGuard”)
11 previously executed a written lease agreement, dated June 22, 2007, and
12 amendments thereto, with a term that expired December 31, 2018 (“Lease”). At the
13 present time the monthly rent of RevGuard pursuant to the Lease is \$12,829.90.

14 6. The Boulder Premises contain furniture, equipment, computers, and
15 other items of personal property (“Personal Property”) that possesses value that can
16 be sold for the benefit of the creditors of the receivership estate.

17 7. At the present time none of the RevEntities are operating at the Boulder
18 Premises. Therefore, there is no further need to occupy the Boulder Premises, and
19 the Receiver concluded that it was in the best interests of the receivership estate to
20 immediately vacate the Boulder Premises, and reject the Lease.

21 8. An offer to purchase the Personal Property from the Receiver was
22 submitted by Hyde Engineering + Consulting (“Hyde”), a current tenant at the
23 Boulder Premises. In addition, Hyde proposed to acquire possession of space on the
24 first floor of the Boulder Premises that RevGuard currently occupies pursuant to the
25 Lease.

26 9. The Receiver notified the landlord of the Boulder Premises that, subject
27 to the approval of this Court, he intended to sell the Personal Property to Hyde,
28 abandon the Boulder Premises, and reject the Lease. The Receiver’s goal was to

1 vacate the Boulder Premises by no later than September 30, 2017.

2 10. In order to accomplish the foregoing transaction as quickly as possible,
3 on September 20, 2017, the Receiver's counsel prepared and circulated to all
4 counsel a proposed stipulation. Counsel for the RevEntities responded and informed
5 the Receiver that due to the pending Motion, his clients objected to the proposed
6 stipulation.

7 11. While the Receiver is not taking a position in response to the Motion,
8 until this Court issues a ruling, administrative expenses associated with occupancy
9 of the Boulder Premises will continue to be incurred including but not limited to
10 rent. Therefore, the Receiver respectfully requests that this Court expedite its
11 consideration of the Motion.

12 DATED: September 26, 2017

Respectfully submitted,

ERVIN COHEN & JESSUP LLP

By: /s/ Byron Z. Moldo

BYRON Z. MOLDO

Attorneys for Joshua Teeple,
Permanent Receiver

ERVIN COHEN & JESSUP LLP

CERTIFICATE OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

On September 26, 2017, I served true copies of the following document(s) described as **RESPONSE OF JOSHUA TEEPLE, PERMANENT RECEIVER, TO DEFENDANT REVGUARD, LLC'S, DEFENDANT REVOLVE! LLC'S AND DEFENDANT ROADRUNNER BC2, LLC'S COMBINED MOTION TO DISMISS** on the interested parties in this action as follows:

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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 26, 2017, at Beverly Hills, California.

/s/ Lore Pekrul

Lore Pekrul